<u>REMARKS</u>

Please reconsider this application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-29 were pending in the application. Claims 7-8, 11, 16-18, 25, and 28-29 are hereby cancelled without prejudice or disclaimer. Accordingly, claims 1-6, 9-10, 12-15, 19-24, and 26-27 remain pending. Claims 1, 15, and 27 are independent. The remaining claims depend, directly or indirectly, from independent claims 1 and 15.

Claim Amendments

Independent claim 1 is hereby amended to include the limitations of now-cancelled claim 11. Further, claims 2, 6, and 9 are hereby amended for consistency with amended independent claim 1. No new matter is added by way of these amendments, and no new search should be required, as now-cancelled claim 11 depended, directly or indirectly, from independent claim 1 and was already examined.

Independent claim 15 is hereby amended to include the limitations of now-cancelled claims 16, 17, and 18. Further, claims 19 and 24 are hereby amended for consistency with amended independent claim 1. No new matter is added by way of these amendments, and no new search should be required, as now-cancelled claims 16, 17, and 18 depended, directly or indirectly, from independent claim 15 and were already examined.

Independent claim 27 is hereby amended to include the limitations of now-cancelled claims 28 and 29. No new matter is added by way of these amendments, and no new search should

be required, as now-cancelled claims 28 and 29 depended, directly or indirectly, from independent claim 27 and were already examined.

Further, independent claim 27 is hereby amended to include limitations substantially similar to those contained in now-cancelled claim 18. Applicant notes that the Examiner has rejected independent claim 27 on the same grounds as independent claim 15. *See* Office Action dated January 31, 2007, p. 8. Therefore, no new matter is added by way of these amendments, and no new search should be required, as now-cancelled claim 18 depended, directly or indirectly, from independent claim 15 and was already examined.

Claim 26 is hereby amended to correct a typographical error. No new matter is added by way of this amendment, and no new search should be required, as the amendment is merely a formality to correct a typographical error.

Rejections under 35 U.S.C. § 103

The following is one basis for Applicant's arguments presented below. To establish a *prima facie* case of obviousness, "[f]irst, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest *all the claim limitations*." MPEP § 2143 (emphasis added). Further, "*all words* in a claim must be considered in judging the patentability of that claim against the prior art." MPEP § 2143.03 (emphasis added).

Claims 1-7, 9-10, 12-17, and 19-29

Claims 1-7, 9-10, 12-17, and 19-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,874,074 B1 ("Burton"), in view of U.S. Patent Application 2002/0199172 A1 ("Bunnell") and further in view of U.S. Patent 5,088,036 ("Ellis"). As noted above, claims 7, 16-17, 25, and 28-29 have been cancelled without prejudice or disclaimer. Accordingly, the rejection is moot with respect to claims 7, 16-17, 25, and 28-29. To the extent that the rejection may still apply to the amended claims, the rejection is respectfully traversed.

Amended independent claim 1 recites, in part:

> issuing a *first cross-call* to the first processor and the second processor,
> moving one of the plurality of data chunks from the rinsing list to a clean list if the rinsing list is not empty *upon receiving a response to the first cross-call*,
> issuing a *second cross-call* to the first processor and the second processor, and
> setting a consumer dynamic memory state to clean *in response to the second cross-call*.

Amended independent claims 15 and 27 include substantially similar limitations. Thus, the claims clearly require *issuing cross-calls to at least two processors*.

Applicant respectfully notes that a proper reading of a claim depends on "giving each term in the claim its broadest reasonable construction *consistent with the specification....*" 37 C.F.R. § 1.56(b) (emphasis added). *See also* MPEP § 2111. In particular, "[t]he person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but *in the context of the entire patent, including the specification.*" *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (*en banc*) (emphasis added). The term "cross-call" is well-defined in the specification as "'ping[ing]' each of the processors within the system and wait[ing] for a response." Specification as filed, [0046]. In other words, a cross-call is an *inter-*

processor call. Therefore, the claims clearly require performing *inter-processor* calls to at least two processors.

The limitations recited above were previously examined with respect to now-cancelled claim 8. In that rejection, the Examiner admits that Burton does not teach or suggest the cross-calls recited in the claims. Further, the Examiner effectively admits that Bunnell and Ellis also do not teach or suggest cross-calls, as evidenced by the fact that the Examiner has relied instead on U.S. Patent 6,622,226 B1 ("Dussud") to teach cross-calls. Specifically, the Examiner has attempted to equate the use of cross-calls recited in the claims with memory management techniques described in Dussud. *See* Office Action dated January 31, 2007, pp. 9-10. To the contrary, the passage cited by the Examiner is completely silent with respect to cross-calls, *i.e.,* *inter-processor* calls. In fact, a thorough reading of Dussud shows that Dussud is completely silent with respect to *any* sort of inter-processor communication whatsoever. To the contrary, Dussud merely describes memory management within a *single* computer system, using a "mark-list". *See,* *e.g.,* Dussud, col. 2, lines 29-67. In view of the above, Dussud clearly does not teach or suggest the cross-calls recited in the claims.

Further, the Examiner has relied on Ellis to disclose cross-calls issued to multiple processors. *See* Office Action dated January 31, 2007, p. 10. To the contrary, the mere fact that Ellis describes multiple processors does not imply that Ellis describes *cross-calls* issued to multiple processors. In fact, the multi-processor system described by Ellis is simply a shared memory system, where the physical memory of multiple processors is shared by the processors. *See* Ellis, col. 12, lines 22-29. The Examiner will surely agree that many systems exist in which multiple processors share resources without issuing cross-calls. For example, in Ellis, memory pages may be transmitted from one processor to another (*Ibid.*), but merely sharing a memory page is clearly not

equivalent to the cross-calls recited in the claims. In fact, Applicant respectfully submits that even the broadest possible reading of Ellis would not be sufficient to describe the cross-calls recited in the claims.

Moreover, even assuming *arguendo* that one of the cited references teaches cross-calls, the references must also teach or suggest "moving one of the plurality of data chunks from the rinsing list to a clean list if the rinsing list is not empty *upon receiving a response to the first cross-call*" and "setting a consumer dynamic memory state to clean *in response to the second cross-call*." To the contrary, *none* of the cited references teach or suggest *any* sort of response to a cross-call – much less "moving one of the plurality of data chunks" or "setting a consumer dynamic memory state to clean" based on a response to a cross-call. To rely on these references to describe the aforementioned limitations, the Examiner would effectively be required to read out express limitations of the claims.

In view of the above, Burton, Bunnell, Ellis, and Dussud clearly do not teach or suggest all the limitations of amended independent claims 1, 15, and 27. Thus, amended independent claims 1, 15, and 27 are patentable over Burton, Bunnell, Ellis, and Dussud for at least the reasons given above. Claims 2-6, 9-10, 12-14, 19-24, and 26 depend, directly or indirectly, from amended independent claims 1 and 15, and are therefore patentable over Burton, Bunnell, Ellis, and Dussud for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 8, 11, and 18

Claims 8, 11, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,874,074 B1 ("Burton"), in view of U.S. Patent Application 2002/0199172 A1

("Bunnell"), further in view of U.S. Patent 5,088,036 ("Ellis"), and further in view of Dussud. As noted above, claims 8, 11, and 18 have been cancelled without prejudice or disclaimer. Accordingly, the rejection is moot with respect to claims 8, 11, and 18, and withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 03226/340001; SUN040170).

Dated: April 27, 2007   Respectfully submitted,

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